

Message

From: Eisenberg, Mindy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CFB4C26BB6F44C7DB69F9884628B3EF9-EISENBERG, MINDY]
Sent: 10/15/2019 10:13:55 PM
To: Hurl, Kathy [Hurl.Kathy@epa.gov]; Frazer, Brian [Frazer.Brian@epa.gov]; McDavit, Michael W. [Mcdavit.Michael@epa.gov]
Subject: RE: FL 404 delegation question

Thanks Kathy

Mindy Eisenberg
Associate Director, Oceans, Wetlands & Communities Division
Office of Wetlands, Oceans and Watersheds
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW, mailcode 4504T
Washington, DC 20460
(202) 566-1290
eisenberg.mindy@epa.gov

From: Hurl, Kathy <Hurl.Kathy@epa.gov>
Sent: Tuesday, October 15, 2019 6:07 PM
To: Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Frazer, Brian <Frazer.Brian@epa.gov>; McDavit, Michael W. <Mcdavit.Michael@epa.gov>
Subject: Fwd: FL 404 delegation question

Deliberative

FYI- this is the follow-up to my earlier email regarding FL enforcement.

These suggested next steps stem from a call I participated in late this pm with R4 and OGC.

Ex. 5 Deliberative Process (DP)

I will review the analysis more carefully and report on it at our meeting re update on state 404 efforts you requested for this week Brian.

- Kathy

Sent from my iPhone

Begin forwarded message:

From: "Hicks, Matt" <Hicks.Matthew@epa.gov>
Date: October 15, 2019 at 5:16:42 PM EDT
To: "Kupchan, Simma" <Kupchan.Simma@epa.gov>, "Fisher, Mike" <Fisher.Mike@epa.gov>, "Wehling, Carrie" <Wehling.Carrie@epa.gov>
Cc: "Morgan, James" <Morgan.James@epa.gov>, "Nagrani, Kavita" <Nagrani.Kavita@epa.gov>, "Ghosh, Mita" <Ghosh.Mita@epa.gov>, "Hurl, Kathy" <Hurl.Kathy@epa.gov>, "Calli, Rosemary" <Calli.Rosemary@epa.gov>
Subject: RE: FL 404 delegation question

Thanks Simma. Attached is a write-up that Kavita and I prepared which

Ex. 5 AC/DP

Ex. 5 AC/DP

Thanks,

Matt

Matthew L. Hicks
Associate Regional Counsel
EPA Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303
404-562-9670
hicks.matthew@epa.gov

From: Kupchan, Simma <Kupchan.Simma@epa.gov>
Sent: Tuesday, October 15, 2019 4:53 PM
To: Fisher, Mike <Fisher.Mike@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Cc: Morgan, James <Morgan.James@epa.gov>; Nagrani, Kavita <Nagrani.Kavita@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>
Subject: RE: FL 404 delegation question

Mike, Carrie, and JT,

To follow up on the email exchange below: per direction from senior leadership, Matt Hicks and Kavita Nagrani, attorneys in R4 ORC, cc'd, have had a series of discussions with attorneys from DEP to nail down DEP's views on its criminal enforcement authority.

Ex. 5 AC/DP

Matt and Kavita, do you want to send out your analysis to the group?

JT, Mike and Carrie, should we work with R4 to set up a follow-up briefing for you all, as well as non-political management in OW and perhaps Steve N., before briefing senior leadership on Florida's response and next steps?

Simma Kupchan
EPA Office of General Counsel
Water Law Office
WJC North Building # 7426Q
202-564-3105

From: Fisher, Mike <Fisher.Mike@epa.gov>
Sent: Tuesday, October 15, 2019 12:19 PM
To: Kupchan, Simma <Kupchan.Simma@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: RE: FL 404 delegation question

Great – thanks, you two.

Michael R. Fisher
Director, Legal Counsel Division
Office of Criminal Enforcement, Forensics & Training
U.S. EPA
1200 Pennsylvania Ave. N.W.
WJC South Room 1202D (Mail Code 2232A)
Washington, D.C. 20004
202 564 1063 (phone) : 202 501 0579 (fax)

Help EPA fight pollution - report environmental violations at <http://www.epa.gov/tips>

From: Kupchan, Simma
Sent: Tuesday, October 15, 2019 12:10 PM
To: Wehling, Carrie <Wehling.Carrie@epa.gov>
Cc: Fisher, Mike <Fisher.Mike@epa.gov>
Subject: RE: FL 404 delegation question

Thanks, Carrie, and thanks, Mike, for forwarding

Ex. 5 AC/DP

Ex. 5 AC/DP

Simma Kupchan
EPA Office of General Counsel
Water Law Office
WJC North Building # 7426Q
202-564-3105

From: Wehling, Carrie <Wehling.Carrie@epa.gov>
Sent: Tuesday, October 15, 2019 12:07 PM
To: Kupchan, Simma <Kupchan.Simma@epa.gov>
Cc: Fisher, Mike <Fisher.Mike@epa.gov>
Subject: FW: FL 404 delegation question

Hi, Simma. Can you please let us know where the FL enforcement authority issue stands? Last I heard you and ORC did have some conversations with FL about this, and they were going to discuss internally....

Thanks.

Carrie

Caroline (Carrie) Wehling
Assistant General Counsel
Water Law Office
U.S. Environmental Protection Agency
Washington DC 20004
202-564-5492
wehling.carrie@epa.gov

From: Fisher, Mike <Fisher.Mike@epa.gov>
Sent: Tuesday, October 15, 2019 10:58 AM
To: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Messier, Dawn <Messier.Dawn@epa.gov>;

Wehling, Carrie <Wehling.Carrie@epa.gov>

Subject: FL 404 delegation question

Hi you all – just checking in on the FL 404 delegation work. Below is an email that JT Morgan sent to Simma and OW on Friday, then shared with me.

Ex. 5 AC/DP

Ex. 5 AC/DP

Happy to chat if you like – am around this week through COB Thurs. Otherwise, if you can shoot back a note letting me know where things stand (or who I should ask in OW or R4), I'd appreciate it.

Thanks --

Michael R. Fisher
Director, Legal Counsel Division
Office of Criminal Enforcement, Forensics & Training
U.S. EPA
1200 Pennsylvania Ave. N.W.
WJC South Room 1202D (Mail Code 2232A)
Washington, D.C. 20004
202 564 1063 (phone) : 202 501 0579 (fax)

Help EPA fight pollution - report environmental violations at <http://www.epa.gov/tips>

From: Morgan, James

Sent: Friday, October 11, 2019 11:05 AM

To: Fisher, Mike <Fisher.Mike@epa.gov>; Walker, Claude <Walker.Claude@epa.gov>

Subject: FW: Our Call re: Florida this past Tuesday

Ex. 5 AC/DP

From: Morgan, James

Sent: Thursday, October 10, 2019 4:06 PM

To: Hurlid, Kathy <Hurlid.Kathy@epa.gov>

Cc: Kupchan, Simma <Kupchan.Simma@epa.gov>

Subject: Our Call re: Florida this past Tuesday

Ex. 5 AC/DP

J. T. Morgan, Attorney
Environmental Protection Agency
Office of Criminal Enforcement, Forensics and Training
Legal Counsel Division
Room 1204 C WJC South, Mail Code 2232A
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20004
Telephone: 202-564-7684
Fax: 202-501-0579

Attorney Work Product

Belief in climate change is optional, participation is not.

Help EPA fight pollution – report environmental violations
at <http://www.epa.gov/compliance/complaints/index.html>